Appl. No. 09/686,572
Response to Office Action of March 30, 2011

PATENT
Docket No. 2000P00787US
Customer No. 24737

REMARKS

By this amendment, claims 16, 18, 25 and 26 have been canceled. Claims 6, 14 and 17 have been amended. Support for the amendments to the claims can be found in the specification at least on page 2, lines 3-4, 8-10 and 17-18; page 4, lines 1-3; page 6, lines 15-16; and page 7, lines 5-8. Claims 1-3, 5, 7-13, 15, 19-20, 22-23, 27-31 and 33 were previously canceled. Claims 4, 6, 14, 17, 21, 24 and 32 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, is requested.

Rejection under 35 U.S.C. §103

Claims 4, 6, 14, 16-18, 21, 24-26 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kubischta et al. (US 2002/0042915; hereafter "**Kubischta**") in view of Shen et al. (US 6,401,059; hereafter "**Shen**"). With respect to claims 16, 18, 25 and 26, the same have been canceled herein, thus rendering the rejection thereof now moot. With respect to claim 6, Applicant respectfully traverses this rejection on the grounds that the **Kubischta** and **Shen** references are defective in establishing a prima facie case of obviousness.

Independent claim 6, as now presented, more clearly recites, inter alia, "wherein each [consumer electronics] CE apparatus to be controlled **(i)** has a corresponding simple dedicated proprietary remote control device with a control panel and **(ii)** is not preconfigured to deliver or cause delivery of its respective control code set to any control device … wherein each control code set in the database of the server on the internet corresponds to a given dedicated proprietary remote control device of a respective CE apparatus to be controlled … enabling the server on the internet, in response to a user specification to the server of a type, brand, and serial number for the at least one CE apparatus, **(i)** to identify a control code set corresponding to each specified CE apparatus to be controlled and **(ii)** to provide the identified control code set

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as data in an extensible mark-up language (XML) format … the extensible mark-up language format control code set … including (1) a *code set* representative of *infra-red (IR) or radio-frequency (RF) commands* to control a state of the *specified CE apparatus* to be controlled and (2) *code* to control the touch screen GUI of the universal programmable remote control device to display a graphical representation of the control panel of the *dedicated proprietary remote control device* of the *specified CE apparatus* to be controlled, wherein the graphical representation comprises … an image of <u>*actual*</u> control panel hard keys of the respective [simple] *dedicated proprietary remote control device* of the *specified CE apparatus* to be controlled to thereby enable quick recognition of the dedicated proprietary remote control device as *displayed on* the touch screen GUI while manipulating the universal programmable remote control device … enabling the universal programmable remote control device to *convert* the installed and locally processed control code set into (1) <u>*actual*</u> *IR or RF code* associated with commands to control the specified CE apparatus, wherein <u>*only*</u> information that is required to transmit the actual IR or RF code is <u>*stored*</u>, and (2) the *soft keys* and the *graphical representation of the icons* on the touch screen GUI of the universal programmable remote control device such that the touch screen GUI of the universal programmable remote control device *depicts* the image of the <u>*actual*</u> *control panel* of the [simple] dedicated proprietary remote control device corresponding to the specified CE apparatus" (emphasis added). Support for the amendments to claim 6 can be found in the specification at least on page 2, lines 3-4, 8-10 and 17-18; page 4, lines 1-3; page 6, lines 15-16; and page 7, lines 5-8.

Applicant submits that <u>neither</u> **Kubischta** nor **Shen** discloses nor suggests at least the aforementioned feature of independent claim 6. In particular, it is submitted that the primary citation to **Kubischta** does not teach the feature of a touch screen GUI to display a graphical representation of the <u>*actual*</u> control panel of the "simple dedicated proprietary remote control device of the specified apparatus." It is further submitted that

the secondary citation to the **Shen** does not remedy the conceded deficiency in the primary citation to **Kubischta**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Kubischta** and **Shen** is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action alleges that **Kubischta** teaches "each apparatus having a corresponding dedicated proprietary remote with a control panel (figure 2)" (Office Action, page 3). Applicant respectfully submits that such a position is incorrect. Figure 2 of **Kubischta** discloses a remote control 204. Figure 2 of **Kubischta** also discloses a set-top box (STB) 102, a VCR 205, and a television 202. The remote control 204 provides remote operation of the STB 102 and the television 202. (See Kubischta at paragraph [0029] and [0034]). It is respectfully submitted, further in view of the present amendments herein, that such a remote control 204 does not teach or suggest "a *simple dedicated* proprietary remote control device" for a CE apparatus (i.e., a single CE apparatus that is *not preconfigured* to *deliver* or *cause delivery* of its respective control code set to any control device) as claimed in claim 6. Accordingly, **Kubischta** does not disclose "a *simple* dedicated proprietary remote control device."

The Office Action further alleges that **Kubischta** teaches "the features of the touch screen GUI to display a graphical representation of the control panel of the dedicated proprietary remote of the specified apparatus to be controlled … (figure 2)" (Office Action, page 5). Applicant respectfully submits that such a position is mistaken. As noted herein above, **Kubischta** does not disclose "a *simple* dedicated proprietary remote control device." In addition, figure 2 of **Kubischta** teaches dedicated hard display buttons 232 and hard control buttons 234 of remote control 204. An electronic program guide 240 is displayed on the remote display device 220 of the remote control 204. (See Kubischta at paragraph [0034]). It is respectfully submitted that such an electronic program guide 240 displayed on the remote display device 220 does not teach or suggest "a graphical representation of the _actual_ control panel hard keys of a

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[simple] dedicated proprietary remote control device of a specified apparatus to be controlled." Accordingly, **Kubischta** does not disclose "a graphical representation of the *actual* control panel hard keys of a dedicated proprietary remote control device of a specified apparatus to be controlled."

Still further, the Office Action concedes that **Kubischta** does "not teach or suggests a display screen including icons and soft keys corresponding to an image of actual control panel keys of the respective dedicated proprietary remote control device of the specified apparatus to be control[led] to thereby enable quick recognition of the dedicated proprietary remote control device while manipulating the universal programmable remote control device. (Office Action, page 5). Nonetheless, the Office Action rejects independent claim 6, wherein the Office Action alleges that "Shen et al. teach a PDA screen including icons and soft keys (figure 3, column 3, lines 8-12, lines 60-65: column 1, lines 18-40); corresponding to an image of actual control panel keys of the respective dedicated proprietary remote control device of the specified apparatus to be control[led] to thereby enable quick recognition of the dedicated proprietary remote control device while manipulating the universal programmable remote control device (figure 3 shows image of keys of the respective dedicated proprietary remote control device)" (Office Action, page 5). Applicant respectfully submits that such a position is mistaken, further in view of amendments to claim 6. In view thereof and as will be explained further herein below, this contention that **Shen** provides necessary disclosure is respectfully traversed. In addition, as noted herein above, **Kubischta** does not disclose "a *simple* dedicated proprietary remote control device."

As disclosed in **Shen** at column 3, lines 8-15, "The software program **212** allows the user to *perform queries on* the *information*. … The *results* of the user's query is *displayed* through a graphic user interface (GUI) (not shown) on the PDA **210**" (emphasis added). "The converted information is then filtered based upon user preferences, via step **408**. The TV program information may be filtered to extract only program information concerning certain times, days, channels, or any combination

thereof. The converted and filtered TV program information is then transferred to the PDA **210**, via step **410**." (see Shen, column 3, lines 60-65). In addition, figure 3 of **Shen** is a sample of program schedule information available from the Internet (see Shen, column 2, lines 11-12). In addition, Shen teaches simplifying "the use of program schedule information through a remote control by utilizing the _PDA_ which stores the program schedule information _as_ the _remote control_." (_emphasis added_; see Shen, column 2, lines 33-36). In other words, the PDA of **Shen** is used as the remote control, i.e., via an emulator 216 which emulates a remote control. Once a user determines which TV program he/she wishes to watch, the user may select the program through the GUI of the PDA 210. (See Shen, column 3, lines 17-22) However, the program schedule information of **Shen** cannot reasonably be understood to teach or suggest an actual image of keys of a simple dedicated proprietary remote control device as recited in claim 6. Accordingly, **Shen** does not disclose a "a graphical representation of the control panel of the dedicated proprietary remote control device of the specified CE apparatus to be controlled, wherein the graphical representation comprises an image of icons and soft keys corresponding to an image of actual control panel hard keys of the respective dedicated proprietary remote control device of the specified CE apparatus to be controlled to thereby enable quick recognition of the dedicated proprietary remote control device as displayed on the touch screen GUI while manipulating the universal programmable remote control device" as is now recited in claim 6. Thus, **Shen** does not provide a disclosure that teaches the aforementioned feature of independent claim 6, nor does **Shen** remedy the aforementioned, conceded deficiency in the primary citation to **Kubischta**.

    In addition to the above, neither **Kubischta** or **Shen** disclose or suggest the limitations of "enabling the server on the internet, in response to a user specification to the server of a _type_, _brand_, and _serial number_ for the at least one CE apparatus, (i) to identify a _control code set_ corresponding to each specified CE apparatus to be controlled _and (ii) to provide_ the identified control code set as data in an extensible

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mark-up language (XML) format" or "enabling the universal programmable remote control device to convert the installed and locally processed control code set into (1) actual IR or RF code associated with commands to control the specified CE apparatus, wherein *only* information that is required to transmit the actual IR or RF code is stored" as is specifically recited in claim 6.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 6 under 35 U.S.C. §103 are respectfully requested. Claim 4 depends from and further limits allowable independent claim 6 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 14 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 14 is believed allowable and an early formal notice thereof is requested. Claim 21 depends from and further limits allowable independent claim 14 and therefore is allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 17 has been amended in a manner similar to the amendments to claim 6. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 6, claim 17 is believed allowable and an early formal notice thereof is requested. Claims 24 and 32 depend from and further limit allowable independent claim 17 and therefore are allowable as well.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application. In addition, the Office Action contains a number of

statements characterizing the claims, the specification, and the prior art. Regardless of whether such statements are addressed by Applicant, Applicant refuses to subscribe to any of these statements, unless expressly indicated by Applicant.

The matters identified in the Office Action of March 30, 2011 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. An early formal notice of allowance of claims 4, 6, 14, 17, 21, 24 and 32 is requested.

Respectfully submitted,

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